



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

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August 26, 2003

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**CONSENT TO SELL COUNTY-OWNED PARK REAL PROPERTY
TO THE STATE OF CALIFORNIA FOR FREEWAY PURPOSES
DIAMOND BAR GOLF COURSE
(FOURTH) (3 VOTES)**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Certify that the Board, as a responsible agency under the California Environmental Quality Act (CEQA), has independently considered and reached its own conclusions regarding the environmental effects of the proposed project (as described below) and the negative declaration/finding of no significant impact (Exhibit A) adopted by the State of California, Department of Transportation (Caltrans) as lead agency; determine that the documents adequately address the environmental impacts of the proposed project; find that your Board has complied with the requirements of CEQA with respect to the process for a responsible agency; and, adopt by reference the State's negative declaration/finding of no significant impact.
2. Find that the offer of compensation received from Caltrans in the amount of \$478,143 complies with the requirements of Public Resources Code (PRC) Section 5405.
3. Approve and authorize the Chair to sign an agreement with Caltrans, attached hereto as Exhibit B, stipulating, among other things, that Caltrans has complied with the requirements of PRC Section 5405 in determining the amount of compensation offered to the County.

4. Approve and instruct the Chair to sign the attached documents: Grant Deed (Exhibit C), Easement Deed (Exhibit D), and Modification of Grant of Easement (Exhibit E), all of which have been approved as to form by County Counsel.
5. Instruct the Auditor-Controller to deposit all the proceeds paid by Caltrans into the Diamond Bar Capital Improvement Fund as directed by the Chief Administrative Office (CAO).
6. Approve the use of the funds received from Caltrans for the improvement of the portion remaining of the Diamond Bar Golf Course in lieu of the acquisition of substitute park land and facilities.
7. Authorize the CAO to execute any other documents necessary to complete the sale transaction upon approval by County Counsel.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to effect a sale of the Fee Property and the Easement to Caltrans for the total amount of \$478,143, including compensation for improvements and development costs, and to correct an erroneous legal description for an existing Southern California Edison (Edison) easement.

Caltrans is developing a project that will widen the Orange (57) and Pomona (60) Freeway intersection for the purpose of constructing an interchange that will be more conducive to merging carpool traffic. The Fee Property is a portion of the County-owned Diamond Bar Golf Course. The Fee Property adjoins the freeway and has been identified by Caltrans as necessary for the project. In addition, Caltrans has identified the Easement as being necessary to extend an existing drainage culvert which runs beneath the freeway. Caltrans has submitted an offer of compensation in the total amount of \$478,143 (rounded), consisting of \$59,070 for the Fee Property, \$140,624 for improvements located on the Fee Property, \$6,639 for the Easement, \$264,314 for development costs required to reconfigure the Golf Course to accommodate the taking of the Fee Property and Easement, and \$7,143 in accumulated interest calculated as of November 2002, the date Caltrans determined the value of the County property.

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Furthermore, during the course of engineering the freeway expansion, it was discovered that existing power lines owned by Edison, which cross the County property, are located outside of the area described in Edison's recorded easement. The CAO would like to use this opportunity to correct the Edison easement without affecting the ongoing golf operations.

The Department of Parks and Recreation (Parks), together with the CAO, have evaluated the Project and Caltrans' offer of compensation, and have concluded that the amount of compensation offered by Caltrans meets the requirements of PRC Section 5405 and is sufficient to enable Parks to reconfigure the affected portion of the Golf Course so that the project will not adversely affect the ongoing golf operation.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Countywide Strategic Plan directs that we provide the public with beneficial and responsive services (Goal 1). The timely transfer of the property will support Caltrans' efforts to expand adjacent freeways to benefit the commuting public. The golfing public will likewise benefit from the sale in terms of improved facilities that will operate without being negatively impacted by the proposed freeway construction.

FISCAL IMPACT/FINANCING

The total compensation offered by the State is \$471,000 (rounded), excluding interest. The calculation of interest adds an additional \$7,143, for a total compensation of \$478,143.

In the instance of correcting the legal description for the Edison easement, inasmuch as the power lines have existed prior to the County's development of the property for golf purposes, the parties have approached this issue as a procedural matter and as such, no compensation is to be paid.

Proceeds from the sale will be deposited into the Diamond Bar Capital Improvement (V17) Fund.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Diamond Bar Golf Course consists of 174 acres. The Fee Property, identified as Parcel No. 77126-1 on the attached map, is an irregularly-shaped strip of land consisting of 39,379 square feet, which is less than one acre. The Easement, identified as Parcel No. 77126-2 on the attached map, consists of approximately 4,426 square feet of surface area to be used for the reconstruction of a concrete culvert for the runoff of water from the Golf Course.

In addition to the compensation offered for the Fee Property and the Easement, Caltrans has offered compensation for the relocation of the tee box on the number eight hole, the relocation of the protective barrier fencing parallel with the freeway, and all existing improvements, including irrigation systems, mature landscaping and trees.

Section 5406 of the PRC provides that, upon receiving an offer of compensation for the acquisition of a park, the legislative body of the entity operating the park may enter into an agreement with the entity acquiring the park to the effect that the acquiring entity has complied with the requirements of Section 5405 of the PRC in determining the amount of compensation which has been offered. Such agreement may be entered into only after a public hearing.

PRC Section 5405 provides that the amount of compensation which must be paid for the acquisition of park land must be equal to the cost of acquiring substitute park land of comparable characteristics and of substantially equal size located in an area which would allow for use of the substitute park land and facilities by generally the same persons who used the existing park land and facilities, and the cost of acquiring substitute facilities of the same type and number, plus the cost of development of such substitute park land, including the placing of such substitute facilities thereon.

Based on an appraisal of the property submitted by Caltrans, the CAO has determined that the amount of compensation offered by Caltrans meets the above-described criteria required by PRC Section 5405.

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Furthermore, PRC Section 5404 provides that if less than 10 percent of the park land, but not more than one acre, is acquired, the entity operating the park may, instead of acquiring substitute park land and facilities, improve the facilities and park land remaining using the funds received for this purpose after holding a public hearing on the matter and upon a majority vote of its legislative body. For this reason, the funds are being deposited into the Diamond Bar Capital Improvement Fund rather than the Asset Development Implementation Fund per usual County policy.

A public notice of the proposed acquisition by Caltrans, including the area and facilities proposed to be acquired, the amount of compensation offered, and a statement that the proceeds will be used for Golf Course improvements, was posted on the property for 45 days. Additionally, a notice was published in accordance with Government Code Section 6061.

Furthermore, Parks recommends, and the CAO concurs, that the proceeds from this transaction should be used to improve the remainder of the Diamond Bar Golf Course, rather than for the purchase of substitute park land and facilities.

During the course of surveying the golf course for the purpose of determining the impact of the proposed freeway widening, it was discovered that the existing Edison utility pole and high power lines were located outside of the area actually granted Edison as part of a pre-existing easement. The substitution of the actual area in use by Edison, shown as Parcel No. 77126-3 on the attached map, for a similar size area included in the original easement will be accomplished by recording a Modification of Grant of Easement.

County Counsel has reviewed all documents related to the conveyance and has approved them as to form. Additionally, County Counsel concurs with CAO that a saleable interest in the properties exists.

ENVIRONMENTAL DOCUMENTATION

Caltrans has prepared an Initial Study/Environmental Assessment and Negative Declaration/Finding of No Significant Impact in connection with the Project. With respect to your Board's approval of the amount of compensation and the sale of the

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above-described property interests to Caltrans, the County also acts as a responsible agency for the purposes of CEQA, and therefore, we recommend that your Board independently consider and adopt the Negative Declaration/Finding of No Significant Impact attached as Exhibit A.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

The potentially adverse impact of the acquisition by Caltrans has already been mitigated with the prior relocation of certain golf-related improvements; as a result, there will be no impact on existing services. However, the widening of the freeway resulting from this acquisition will facilitate the flow of traffic in this area for the public's benefit.

CONCLUSION

It is requested that the Executive Officer, Board of Supervisors, return two certified copies of the Minute Order, and the adopted, stamped Board letter to the CAO Real Estate Division at 222 South Hill Street, 3rd Floor, Los Angeles, CA 90012 for further processing. Additionally, please forward a copy of the adopted, stamped Board letter to Parks, Planning Division, 433 South Vermont Avenue, Los Angeles, CA 90020.

Respectfully submitted,

DAVID E. JANSSEN
Chief Administrative Officer

DEJ:CWW
CB:CK:dg
Attachments (6)
c: County Counsel
Auditor-Controller
Department of Parks & Recreation

DBarGolfCourse.b